

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Marian Giorgio,

Plaintiff,

**MEMORANDUM & ORDER**

21-cv-736 (EK) (MHH)

-against-

Commissioner of Social Security,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Henry's Report and Recommendation (R&R) dated February 15, 2025. ECF No. 20. Judge Henry recommends granting in part and denying in part Plaintiff's motion for attorney's fees under 42 U.S.C. § 406(b). Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Henry's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, Plaintiff's counsel is awarded \$4,500 in attorney's fees pursuant to Section 406(b). Within seven days of receipt of the Section 406(b) fees, Plaintiff's counsel should refund Plaintiff \$655.89 in

fees previously awarded under the Equal Access to Justice Act,  
28 U.S.C. § 2412.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: March 10, 2025  
Brooklyn, New York